

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA	)	
NATURAL GAS COMPANY, INC. FOR AN	)	CASE NO.
ADJUSTMENT OF ITS RATES AND A	)	2021-00185
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY	)	

ORDER

On November 12, 2021, Delta Natural Gas Company, Inc. (Delta) filed a motion into the record of this proceeding, pursuant to Commission regulation 807 KAR 5:001, Section 22 requesting deviation from the notice requirements found in Commission regulation 807 KAR 5:001, Section 9(2). This regulation requires a utility to provide notice of a hearing by newspaper publication at least one time not less than seven nor more than 21 days prior to a hearing in a newspaper of general circulation in the areas that will be affected by the matter to be heard before the Commission.

In support of its motion, Delta states that On October 13, 2021, Delta requested Kentucky Press run the notice of the November 16, 2021 hearing no earlier than October 26, 2021 and no later than November 9, 2021. Delta further states that the *Leslie County News* did not publish the notice within the required timeframe, but it did publish the notice five days prior to the hearing. Delta maintains that five days' notice does provide Delta's customers within the circulation area of the *Leslie County News* with the opportunity to participate in the hearing. Delta also maintains that all other newspapers in Delta's service territory published the notice within the required timeframe, including the

*Lexington Herald Leader*, which is a newspaper with large circulation in Delta's entire service territory.

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds Delta has provided good cause, as required by Commission regulation 807 KAR 5:001, Section 22, to grant the motion for a deviation from the notice requirements. Delta has provided evidence it provided the Kentucky Press with a timely request for publication as well as details concerning the timeframe in which the publication needed to occur.<sup>1</sup> Only one newspaper in Delta's service territory failed to follow those instructions. The *Leslie County News* published the notice five days before the scheduled hearing. A publication five days before the hearing does not comply with the Commission regulation, which requires publication at least seven days prior to a hearing, but given other newspapers in the area did comply, the *Leslie County News* publishing the notice two days late has not resulted in Delta's customers being denied adequate public notice of the November 16, 2021 hearing.

IT IS THEREFORE ORDERED that Delta's motion for deviation from the notice requirements contained in Commission regulation 807 KAR 5:001, Section 9(2) is granted.

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<sup>1</sup> Delta's email to Kentucky Press, dated October 13, 2021 (filed Oct. 14, 2021).

By the Commission



ATTEST:

  
Executive Director

Case No. 2021-00185

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